

STATE OF SOUTH CAROLINA

**In the Matter of the Application of Central Telecom
Long Distance, Inc. for a Certificate of Public
Convenience and Necessity to Provide Resold
Interexchange Telecommunications Services
Throughout The State of South Carolina and for
Alternative Regulation**

**BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

COVER SHEET

**DOCKET
NUMBER:**

(Please type or print)

Submitted by: Bonnie D. Shealy

SC Bar Number: 11125

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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ **Emergency Relief demanded in petition** ☐ **Request for item to be placed on Commission's Agenda expeditiously**

☐ **Other:** _____

INDUSTRY (Check one)

- ☐ Electric
☐ Electric/Gas
☐ Electric/Telecommunications
☐ Electric/Water
☐ Electric/Water/Telecom.
☐ Electric/Water/Sewer
☐ Gas
☐ Railroad
☐ Sewer
☐ Telecommunications
☒ Transportation
☐ Water
☐ Water/Sewer
☐ Administrative Matter
☐ Other:

NATURE OF ACTION (Check all that apply)

- | | | |
|--|--|--|
| <input type="checkbox"/> Affidavit | <input type="checkbox"/> Letter | <input type="checkbox"/> Request |
| <input type="checkbox"/> Agreement | <input type="checkbox"/> Memorandum | <input type="checkbox"/> Request for Certification |
| <input type="checkbox"/> Answer | <input checked="" type="checkbox"/> Motion | <input type="checkbox"/> Request for Investigation |
| <input type="checkbox"/> Appellate Review | <input type="checkbox"/> Objection | <input type="checkbox"/> Resale Agreement |
| <input type="checkbox"/> Application | <input type="checkbox"/> Petition | <input type="checkbox"/> Resale Amendment |
| <input type="checkbox"/> Brief | <input type="checkbox"/> Petition for Reconsideration | <input type="checkbox"/> Reservation Letter |
| <input type="checkbox"/> Certificate | <input type="checkbox"/> Petition for Rulemaking | <input type="checkbox"/> Response |
| <input type="checkbox"/> Comments | <input type="checkbox"/> Petition for Rule to Show Cause | <input type="checkbox"/> Response to Discovery |
| <input type="checkbox"/> Complaint | <input type="checkbox"/> Petition to Intervene | <input type="checkbox"/> Return to Petition |
| <input type="checkbox"/> Consent Order | <input type="checkbox"/> Petition to Intervene Out of Time | <input type="checkbox"/> Stipulation |
| <input type="checkbox"/> Discovery | <input type="checkbox"/> Prefiled Testimony | <input type="checkbox"/> Subpoena |
| <input type="checkbox"/> Exhibit | <input type="checkbox"/> Promotion | <input type="checkbox"/> Tariff |
| <input type="checkbox"/> Expedited Consideration | <input type="checkbox"/> Proposed Order | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Interconnection Agreement | <input type="checkbox"/> Protest | |
| <input type="checkbox"/> Interconnection Amendment | <input type="checkbox"/> Publisher's Affidavit | |
| <input type="checkbox"/> Late-Filed Exhibit | <input type="checkbox"/> Report | |

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Telecommunications Services Throughout)
The State of South Carolina and for)
Alternative Regulation)
_____)

Docket No. _____

**MOTION FOR PROTECTIVE TREATMENT AND
BASIS FOR FILING EXHIBIT D AS TRADE SECRET**

Introduction

Central Telecom Long Distance, Inc. ("CTLD" or "Applicant"), by its attorneys and pursuant to S.C. Code Ann. § 39-8-10, *et seq.*, and all other applicable rules, statutes and regulations, hereby files this Motion for Protective Treatment ("Motion") in the above-captioned proceeding. By this Motion, the Applicant seeks protective treatment by the South Carolina Public Service Commission ("Commission"), of certain commercially-sensitive financial statements attached as ***Exhibit D***, filed as Trade Secret to the Application of Central Telecom Long Distance, Inc. for a Certificate of Public Convenience and Necessity to Provide Resold Interexchange Telecommunications Services throughout the State of South Carolina and for Alternative Regulation ("Application"). Because this Motion is an inseparable part of the Application, it is being filed concurrently therewith.

In support of this Motion, the Applicant provides the following:

1. The exact legal name, address and telephone number of the Applicant is:

Central Telecom Long Distance, Inc.
102 South Tejon Street, 11th Floor
Colorado Springs, CO 80903
Telephone: 719.471.2265
Facsimile: 719.471.2270

2. Correspondence or communications regarding this Motion should be addressed to:

Bonnie D. Shealy, Esquire
Robinson, McFadden & Moore, P.C.
1901 Main Street, Suite 1200
P.O. Box 944
Columbia, SC, 29202
Tel: 803-779-8900
Fax: 803-252-0724
Email: bshealy@robinsonlaw.com

with a copy to:

Andrew O. Isar
MILLER ISAR, INC.
7901 Skansie Avenue, Suite 240
Gig Harbor, Washington 98335
Email: aisar@millerisar.com
Tel: 253-851-6700
Fax: 253-851-6474

I. Description of Confidential Information.

3. The Application requires CTLD to disclose evidence of financial fitness through the submission of documentation of its financial resources and ability to provide the requested service. In conformity with this requirement, the Applicant submits copies of its financial statements. These documents contain highly confidential and strictly proprietary information, the public disclosure of which may result in direct, immediate and substantial harm to the competitive position of the Applicant in South Carolina and elsewhere.

II. Grounds for Claim of Confidentiality.

4. CTLD is presently immune from a legal obligation to prepare or submit projected financial statements, or any other financial information, to any public entity. As such, the financial statements attached as ***Exhibit D*** to the Application are not readily available to persons external to CTLD.

5. Because the projected financial statements submitted by CTLD in support of the Application contain confidential and commercially-sensitive information from which its competitors may derive economic value, CTLD seeks to protect such material from public disclosure. CTLD derives independent economic value from the fact that significant, detailed and proprietary information regarding its financial structure and current financing activities is unknown to its competitors. As such, the Company's financial statements are a "trade secret" as that term is used in South Carolina Trade Secrets Act. *S.C. Code Section 39-8-20(5)*. Given this fact, the disclosure of this information could provide existing and potential competitors, including interexchange carriers ("IXCs") in South Carolina, as well as in other states in which CTLD provides or intends to provide telecommunications service, with an unfair and undeserved competitive advantage.

6. CTLD clarifies herein that its request for protection applies only to the documents attached as ***Exhibit D*** to the Application. CTLD is not seeking protection of any type for those reports CTLD is required to file with the Office of Regulatory Staff ("ORS") should the relief sought in the Application be granted: the Annual Report Form, Gross Receipts Report, and Universal Service Fund Worksheet.

CONCLUSION

7. The audited financial information included in support of CTLD's Application, for which Confidential Treatment is sought, is both proprietary and competitively-sensitive. The

substantial and direct harm that could be caused to CTLD as a result of any disclosure is real and not speculative. Moreover, to date, no other jurisdiction or governmental agency has required CTLD to make this information available to the public. For all these reasons, the projected financial statements attached as **Exhibit D** to the Application should be protected from public disclosure by the Commission.

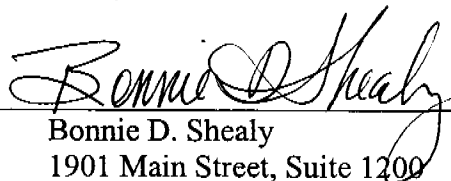
WHEREFORE, CTLD respectfully requests that the South Carolina Public Service Commission grant this Motion for Protective Treatment with respect to the audited financial statements attached as **Exhibit D** to the Application of Central Telecom Long Distance, Inc., for a Certificate of Public Convenience and Necessity to Provide Resold Interexchange Telecommunications Services throughout the State of South Carolina and for Alternative Regulation filed *under seal* as Confidential in this proceeding.

Dated this 28 day of October, 2008.

Respectfully submitted,

ROBINSON, MCFADDEN & MOORE, P.C.

By


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APPLICATION OF CENTRAL TELECOM LONG DISTANCE, INC.

EXHIBIT D

Financial Statements

**CONFIDENTIAL & PROPRIETARY
FILED UNDER SEAL**